

Application No.: 09/696,801

Docket No.: 524412000200

**REMARKS**

Claims 13 and 60 have been amended in identical ways for clarification as discussed with Examiners Clow and Moran. It was understood that the sequence of the first nucleotide sequence is not previously known, but that the claimed method represents an attempt to obtain a corresponding gene in one species to known genes in other species that, when expressed, provide a specific phenotypic characteristic. The method claimed provides a means to design primers that will be sufficiently homologous to conserved portions of a family of genes to permit identification of the first sequence.

The language proposed is identical to that agreed upon at the interview with the minor exception of the addition of the word "primers" after "which" in the last phrase of each of claims 13 and 60. It is believed that this provides further clarification. It is further noted that the copy of the claims left with the Examiner at the interview uses the phrasing "target and identify" whereas the interview summary refers to "identify and target." The wording in the interview summary has been adopted. Should the Examiner believe that "target and identify" would be better, permission is hereby given for an Examiner's Amendment to this effect.

It is believed that the amendments to the claims clearly place them in a position for allowance and passage to issue of all pending claims, claims 13-14, 16-17, 19, 25-26, 34, 36, 39-41, 47-48, 60-61, 64-66, 72-73 and 81-82 is respectfully requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the

Application No.: 09/696,801

Docket No.: 524412000200

cost of such petitions and/or other fees due in connection with the filing of this document to Deposit

Account No. 03-1952 referencing docket No. 524412000200.

Respectfully submitted,

Dated: October 27, 2004

By: Kate H. Murashige  
Kate H. Murashige  
Registration No. 29,959

Morrison & Foerster LLP  
3811 Valley Centre Drive, Suite 500  
San Diego, California 92130-2332  
Telephone: (858) 720-5112  
Facsimile: (858) 720-5125